

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**TONEKWUEME HAMILTON,**

**Plaintiff,**

**vs.**

**No. 21-cv-1243 SMV**

**KILOLO KIJAKAZI,**

**Acting Commissioner of the Social Security Administration,<sup>1</sup>**

**Defendant.**

**ORDER DISMISSING CASE WITHOUT PREJUDICE**

THIS MATTER is before the Court on the Order to Show Cause [Doc. 22], issued by the Court on September 14, 2021, because, under the briefing schedule, Plaintiff's Motion to Reverse or Remand Administrative Agency Decision with Supporting Memorandum ("Motion") was due no later than September 1, 2021. [Doc. 22]. To date, Plaintiff has neither filed a Motion nor requested an extension of time to do so. Moreover, two mailings from the Court to Plaintiff have been returned, [Docs. 20, 21], and Clerk's Office staff have been unsuccessful in reaching Plaintiff by telephone. *See* [Doc. 22].


In the Order to Show Cause, Judge Vidmar ordered Plaintiff to show cause, no later than October 13, 2021, why this matter should not be dismissed without prejudice for failure to prosecute his claims and comply with a court order, *see* Fed. R. Civ. P. 41(b); D.N.M.LR-Civ. 41.1. [*Id.*]. Plaintiff did not respond to the Order to Show Cause and, therefore, has not shown why this matter should not be dismissed without prejudice.

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<sup>1</sup> *See* Fed. R. Civ. P. 25(d).

**IT IS THEREFORE ORDERED** that Plaintiff's action is **DISMISSED without prejudice**. *See* Complaint [Doc. 1].

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**  
**Presiding by Consent**